IN THE UNITED STATES PATENT OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IN RE APPLICATION OF:	
DANIEL PHARO, ET AL.	
SERIAL NO.: 10/635,871	
	GROUP ART UNIT NO. 2859
FILED: AUGUST 5, 2003	
TITLE: PERSONNEL LOCATION CONTROL SYSTEM WITH INFORMATIONAL MESSAGE PRESENTATION	
EXAMINER: TANYA C. COURSON	

APPEAL BRIEF

Mail Stop - Appeals
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I.

INTRODUCTION

This Appeal is based on a Final Rejection of the Examiner dated November 19, 2004, in which the Examiner rejected all of the claims in the application, namely, claims 1-18 and 20-34, both under 35 USC 112, and 35 USC 102/35 USC 103. Objections were also advanced to the claims and drawings. The claims were further provisionally rejected on the ground of double patenting.

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II.

REAL PARTY IN INTEREST

The real parties in interest in this application and the subject matter of this application are the inventors, namely, Daniel Pharo and Alex J. Hembree, as well as a California corporation owned substantially by the two of them, known as Next Systems, Inc.

For purposes of this appeal, since the corporation is essentially owned, for all real purposes, by the two inventors, they are the real parties in interest.

III.

RELATED APPEALS AND INTERFERENCES

The application on appeal herein is closely related to the following two U.S. patent applications containing very similar subject matter, and which are also contemporaneously on appeal herewith.

Serial No.	Filing Date	Title
09/758,934	January 11, 2001	Personnel Guidance and Location Control System
10/633,480	August 1, 2003	Personnel Guidance and Location Control System

IV.

STATUS OF THE CLAIMS

1) Claims 1-18 and 20-34 form the subject matter of this Appeal.

2) Claims 1, 6, 13-14, 23-24, 26, 29, 31 and 34 are objected to because of alleged informalities.

3) All claims in the application were rejected under 35 USC 103(a).

4) Claims 1-18 and 20-34 of the application were rejected on the basis of double patenting with application No. 10/633,480 and application No. 09/758,934.

5) Claim 19 has been cancelled.

V.

STATUS OF AMENDMENTS

An amendment, identified as "Amendment E" was mailed to the U.S. Patent and Trademark Office on April 20, 2005. That Amendment was after the Final Rejection, but entry thereof was denied in an Office Action dated May 11, 2005. Thus, the claims in issue are those presented in the applicant's Amendment D. The claims in applicant's Amendment D are the same claims identified in paragraph I of this Brief and are the claims which are present on Appeal.

VI.

SUMMARY OF THE INVENTION

A personnel guidance and location control system for guiding a group of walking pedestrian individuals into a line in order to control movement of the pedestrian individuals while they advance toward an end-of-the-line position and usually a destination in advance of, or beyond, that end-of-the-line position. In this case, the control system is highly effective in controlling the movement of a large number of people in a desired pathway. The user of the system can define the area to constitute the pathway and cause people to walk in that pathway to reach an end-of-the-line position, all in the absence of painted lines, and in the absence of the standard poles and ropes. In this case, there is a substrate having a plurality of spaced apart lines of path forming elements on the substrate, as well as an end-of-a-line position defined by an end-of-the-line element which extends between ends of the rows of path forming elements of the other where the individuals wait to advance to a destination.

The invention also relates to the use of images on the substrate which are effective as sales or advertising messages, or for that matter, informational messages. This structure, for example, is best illustrated in Figure 6 of the drawings. Moreover, the invention shows the use of various shaped substrates,

such as floor mats, which can be assembled in various relationships, as for example, as shown in Figures 12, 13, and 14.

The invention is also described in the Specification, page 20, lines 16-25, and page 21, lines 1-10.

The use of modular ground cover substrates, such as individual substrates which can be assembled together, are discussed on page 27 of the application, lines 7-26, and page 28, lines 1-6.

The invention also describes the use of path forming movement direction indicator elements which define the direction of movement, as well as the use of illustrative advertising or promotional, or other informational messages. For example, the path forming elements, themselves, may adopt the form of advertising promotions. As a simple example, spark plugs could be used to define the path forming elements and/or movement direction indication elements.

The use of the path forming elements and the end-of-the-line positions with multiple substrates is shown in Figures 1 and 3 of the drawings. The use of the promotional materials is best illustrated in Figures 8 and 9 of the drawings. In addition, the use of pathways to guide a group of people in individual paths is more fully described on page 20, lines 14-27, and page 21, lines 1-16. The contrast with the prior art systems is described on page 1, lines 17 through 27, and page 2, lines 1 through 18. The use of the message presentation, which includes advertising and

promotional messages, is more fully described, for example, on page 28, lines 26 and 27, and page 29, lines 1-11. and further described on page 29, lines 12-26, and page 30, lines 1-16.

Initially, the invention employed an upstanding barrier element, such as that barrier element 30, as shown in Figure 2 of the drawings. However, that feature of the invention is not currently and necessarily employed.

VII.

ISSUES PRESENTED FOR CONSIDERATION

The following issues are presented for consideration:

1) Whether or not Claims 6-8, 10, 12 and 24-26 are anticipated by the Castle et al. patent.

2) Whether or not Claims 1-5 and 29-34 are patentable over the Hensler et al. patent in view of the Castle et al. patent, the Gehweiler et al. patent and the Sanders et al. patent.

3) Whether or not Claims 1-5 and 29-34 are patentable over the Hensler et al. patent in view of the Chen patent, the Gehweiler et al. patent and the Sanders patent, and the Phillips patent.

4) Whether or not Claims 6-12 and 13-23 are patentable over the same references identified in issues (1) and (2),

particularly since they deal with the interchangeable advertising or promotional messages.

5) Whether or not Claims 24-28 are patentable over those patents identified in issues (1) and (2) as applied to the claims, since they also define the direction of movement indicating elements.

VIII.

GROUPING OF CLAIMS

The claims in the application do not stand or fall together. They would appear to constitute, at very least, two individual groups, as follows:

1) Claims 1-5 and 29-34 are drawn to the basic guidance and location control system, and are believed to be patentable, since the prior art does not disclose this type of guidance and control system for the controlled movement of pedestrian individuals;

2) Claims 6-12 and 13-23 are believed to be separately patentable inasmuch as they deal with informational messages on the mats.

IX.

NON-MERIT REJECTIONS/OBJECTIONS

A. The claims in the application were rejected in that each of the claims used the language to the effect that the system and the method controlled movement of individuals while advancing toward an end-of-a-line position so that they can reach a destination in advance of that end-of-the-line position. The Examiner took the position that this language was confusing inasmuch as a position in advance of the end-of-the-line would be a position located before one reaches the end of the line, and not after one reaches the end of the line.

The applicant filed an Amendment After Final Rejection attempting to alter this language to recite that the destination was beyond the end of the line. However, the Examiner refused entry because the word "beyond", compared to the term "in advance of" raised new issues.

The applicant is at a complete loss to understand how terminology, such as "beyond" in place of "in advance of" generates a new issue which would require further searching and/or investigation. Nevertheless, because the refusal to enter the Amendment seemed so superfluous,

at least to the applicant, no further amendments were made to attempt to obviate informalities, since they would also likely be refused entry. However, in the event of a finding of allowability of the claims, all such information will be corrected.

B. The Examiner contends that priority is not claimed in the supplemental application filed by the applicant. The Examiner notes that there was an erroneous understanding of an abandonment date. This is a minor issue which can be easily corrected and would be corrected in the event of allowance of the application.

C. The Examiner contended that the drawings do not show every feature specified in the claims. Specifically, the Examiner contended that footprints oriented to show walking movement were not present. First of all, the claims call for movement indicator elements and only dependent claims call for the use of footprints. Notwithstanding, attention is invited to Figure 14 showing the use of terminology, such as "wait here" and the direction in which that terminology is presented. Obviously, the terminology would indicate a reverse direction, if it were rotated upside down.

Notwithstanding, footprints 148 show direction of movement. Further, one cannot be confused as to directions of movement with the footprints in Figure 19. Consequently, it is urged that the objection to the drawings is utterly without foundation.

D. The Examiner contended that the revised Abstract had not been submitted. Applicant is unaware of any failure to submit a revised Abstract, but will immediately do so upon the finding of allowable subject matter. Again, the applicant is reluctant to submit any new changes at this point in the process, since they would be declared to constitute new matter.

E. The claims in the application were also rejected over the claims of the two earlier identified co-pending U.S. applications of the same applicants. The applicants can and will submit Terminal Disclaimers to overcome the double patenting rejections upon the finding of allowable subject matter. The filing of a Terminal Disclaimer should obviate any objection with regard to double patenting.

X.

CITED PRIOR ART REFERENCES

The references cited relied upon the Examiner in the final rejection include:

Castle et al. U.S. patent No. 5,848,830

Hensler et al. U.S. patent No. 5,637,378

Chien U.S. patent No. 5,775,016

Gehweiler et al. U.S. patent No. 3,453,660

Sanders U.S. patent No. 5,123,130

Phillips U.S. patent No. 4,080,087

Each are briefly described below:

Hensler et al. Patent No. 5,637,378:

The Hensler et al. patent No. 5,637,378 relates to a floor mat which has a phosphorous border. The patentee describes the purposes of the borders to make the mat edges visible in the event of a power failure. The mat is a generally rectangular mat having a center section and with a pair of borders extending along the mat for the full length thereof. No other design work appears.

Chien U.S. Patent No. 5,775,016:

The Chien U.S. patent No. 5,775,016 shows a structure which the patentee refers to as an illuminated safety guide. The most relevant portion of this reference, if at all, is that illustrated in Figure 6 of the drawings. In this case, it can be seen that there is a hallway with a plurality of doors and a door at the very

end of that hallway bearing the sign "Exit". According to the patentee, the word "Exit" is printed on a device extending along the hallway adjacent to each of the vertically disposed walls having the doorways therein and set forth the word "Exit" along with the direction of movement. The patentee also described numerous other versions of Exit signs. Another somewhat related version is shown in Figure 16 and an additional somewhat related version is shown in Figure 17 of Chien et al.

Gehweiler et al. U.S. Patent No. 3,453,660:

The Gehweiler et al. U.S. patent No. 3,453,660 was primarily cited for the teaching of the marker in Figure 2. These circular vinyl markers 99 are adapted to be adhered by a pressure-sensitive adhesive to a so-called "belt" and beyond this limited teaching, the patent relates to machines for removing and applying adhesive markers to a liner.

Sanders U.S. Patent No. 5,123,130:

The Sanders U.S. patent No. 5,123,130 was cited to show a walkway comprised of a plurality of longitudinally aligned elongate flexible mats, including illuminated characters, such as footprints. In this case, the mats are laid on a floor within a hallway and through a doorway leading to a commode.

Castle et al. U.S. Patent No. 5,848,830:

The Castle et al. U.S. patent No. 5,848,830 discloses a floor mat with advertising. In effect, there is a mat having a

transparent sheet overlaid upon the portion of the mat having the advertising and sealed about the perimeter to form a pocket for receiving the advertising. In this way, Castle et al. teaches of a floor mat with advertising which appears through the upper surface thereof. Obviously, an individual standing on the mat can view the advertising or other information which may be presented.

Phillips U.S. Patent No. 4,080,087:

The Phillips U.S. patent No. 4,080,087 discloses a walkway, particularly designed for visually handicapped individuals. One of the principal advantages of the Phillips invention in that the visually handicapped persons use tactile information by sensing the presence of foot plates on a walkway surface. By sensing the foot plates, the visually handicapped individual can follow a predefined path. Also, a visually handicapped individual can move his or her cane from side to side to engage and sense location of such plates and thereby determine that he or she is within the desired walkway. However, the plates are not trying to lead a visually handicapped individual to anything, but merely keep him or her from walking into a dangerous situation.

XI.

DISTINGUISHMENT OF THE CLAIMS DEALING WITH THE BASIC GUIDANCE AND LOCATION SYSTEM FROM EACH OF THE CO-PENDING RELATED PATENT APPLICATIONS NOW ON APPEAL

Claims 1-5 and 29-34 of this application distinguish over Claims 1-5 and 25-35 of the '934 application, as follows:

These above claims of this application No. 10/635,871 call for the pathway to be of a width sufficient to receive a group of individuals and arrange to guide the group of individuals to the end-of-the-line position, and that they are arranged to conform to an existing environment for optimum placement of a group of pedestrian individuals. Moreover, the claims of this application No. 10/635,871 define over the claims of application Serial No. 09/758, 934 in that the claims in this application Serial No. 10/635,871 call for informational messages on the upper surface of the substrate, which are related to the facility at which the pedestrian individuals are being serviced. This important fact does not appear in the claims of application No. 09/758,934.

Finally, certain of the claims in application No. 09/758,934 call for the multilayer construction of the substrates, including the first polycarbonate layer and the second, styrene based copolymer layer, as well as the bonding layer therebetween, which do not appear in this application or application Serial No. 10/633,480.

XII.

ARGUMENTS ON APPEAL

(1) Contrast with the Prior Art:

The present application relates primarily to a personnel guidance and location control system for moving a group of pedestrian individuals in an orderly and predtermined pathway to an end-of-a-line position, and, thereafter, to a destination in advance of or beyond that end-of-the-line position. As a simple example, if a group of individuals were waiting in a line to walk to a cashier's kiosk, or other location, or if a group of individuals were standing in a line at a pharmacy awaiting their turn to talk to the pharmacist or clerk, they would reach an end-of-a-line position well in front of, the position of the kiosk, in the first example, and the pharmacist or clerk in the second example. When the individual at the kiosk or pharmacy had finished their transaction, the next person at the front end of the line would move to that kiosk or pharmacist or clerk, which constitutes the destination.

Heretofore, the only ways in which individuals were guided in an organized or somewhat orderly path was with the use of painted lines on a ground surface, or, otherwise, the conventional poles and ropes arrangement. However, each of these systems brought their own problems. In the case of the painted lines, it was virtually impossible to use that system in an indoors location

where there is expensive floor coverings, such as carpets, or the like. In an external environment, the lines are quickly destroyed by weathering. With ropes and poles, it is necessary to constantly locate the polls and ropes each morning when an institution opens and bring same inside when the institution closes. Moreover, people tend to damage particularly the ropes necessitating replacement. Even more so, the ropes and poles do not always necessarily provide the needed organization, inasmuch as they are frequently, inadvertently or intentionally, moved by parties waiting in the line.

The applicants have found a very unique, highly effective system for moving a large number of people in a defined pathway to an end-of-a-line position, and, thereafter, to a destination in advance of that end-of-the-line position.

The Examiners, over the years, in this and the two related applications have cited myriads of U.S. patents in an attempt to anticipate or render obvious the claims regarding this aspect of the invention. They have relied upon references showing fire escape routes, traffic patterns for automobiles, and even an airplane runway having end of the runway lights and lights on the side of the runway to alert the pilot if he or she is getting too close to the edge of the runway.

Applicants have successfully defended against the vast majority of these references, and, therefore, the Examiner has now

relied upon a conventional floor mat, taken alone and in combination with another reference dealing with a fire escape route. This is the gravamen of the Examiner's rejection. In short, the Examiner has paid little or no attention to the fact that there must be some basis to combine the references cited, and, moreover, and more importantly, the fact that they must fully meet the claimed limitations these references cannot in some vague way suggest the obviousness of the invention.

The Examiner rejects claims 1-4, 6, 7, 22-24, 26-28, 30 and 32 as being unpatentable over U.S. 5,637,378 to Hensler et al. in view of U.S. 5,775,016 to Chien and U.S. 3,453,660 to Gehweiler et al.

(2) Standard of Review:

This reviewing Board is required to review the Examiner's analysis of rejection to determine if the claim has been correctly construed as to the scope and meaning of each contested limitation. See Gechter v. Davidson, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997). Every limitation positively recited in a claim must be given effect in order to determine what subject matter that claim defines. In re Wilder, 429 F.2d 447, 450, 166 USPQ 545, 548 (CCPA 1970)

(3) Nonobvious and New Elements of the Claim:

Applicants assert that this application contains a unique, nonobvious "end of a line" element, which is not taught by any prior art. This element is yet more unique and nonobvious, due to the fact that its purpose is not to halt traffic flow indefinitely, but to provide a waiting area for persons to be conveyed, in an orderly, singular fashion, to a further point.

Applicants also assert that the guidance elements in the instant application are unique in their ability to be easily altered. It is also urged that the prior art of record does not show a plurality of guidance elements arranged to form a pair of paths sufficiently narrow to guide a group of individuals.

(4) Anticipation Requires a Meeting of All Elements in One Reference:

The applicants also assert that claims dealing with the presence of advertising, or promotional material, or other messages, along with the guidance and location control aspects are further unique in that the messages, whether advertising or promotional, or merely instructional, co-act with the actual elements of the guidance and location control aspects in that they produce a new result. Specifically, the prior art does not show any type of mat system which causes people to walk in a certain

pathway and while in that pathway, displaying messages, which may be the same message throughout the length, or they may be different messages.

The Examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a prima facie case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

Applicant asserts that the Examiner has just not met this initial burden.

Applicant also asserts that the limitations set forth in the claim have not been given sufficient effect. Applicant asserts that, instead of giving the claim limitations proper effect, the Examiner has erroneously inferred that certain limitations are taught in the prior art, in order to arrive at its rejection.

(5) Hensler Does Not Teach Most of the Elements in the Claims:

The Examiner, in relying upon Hensler et al., notes that Hensler teaches the following elements:

1. Floor mat (ground cover substrate) with an upper surface and borders (path forming guidance elements 16 and 18) for indicating a path therebetween.
2. The substrate having path forming guidance elements associated with the an upper surface thereon to form parallel pathway boundaries in

> a desired orientation, said upper surface of said substrate being relatively free of elements that would obstruct the prominence of the pathway, said pathway being visibly prominent, the path forming guidance members being arranged to be visible in low and high light conditions, the pathway being visibly prominent and of a carpeting material.

The Examiner admits, however, as follows, that Hensler et al. does not teach of the following:

> (1) An end of line element being an elongated element with indicia; (2) said end of line element being associated with the substrate and the path forming guidance elements; (3) the discrete path forming members associated with the upper surface of the substrate, being on opposite sides of said substrate and perpendicular to the end of line element and being in a pair of rows and extending from ends of the path forming guidance elements; (4) the rows are of sufficiently narrow width defining a narrow pathway with respect to the group and that of a car; (5) a plurality of movement indicator

> elements on said pathway of movement between the spaced apart pathway boundaries and being presented in such manner to depict the direction of movement in that pathway; (6) said movement indicator elements cooperating with the path forming members to present a desired pathway and a direction of movement to an end of a line position; and (7) to a destination in advance of that end of the line position.

In fact, the Abstract set forth on Hensler does not refer to *any* end of a line position, or any of the other missing elements, describing the patented item as "Floor mats and methods for producing such mats having wear resistant phosphorescent borders that emit light after removal of ambient light. . ."

(6) Gehweiler Does Not Teach an "End of a Line" Element:

The Examiner relies upon Gehweiler to teach ". . . that die cut members are an alternative means for designating a walkway, as compared to the means of Hensler et al. and to allow retrofitting of previously made substrates in order to save costs and in order to allow the user more selection in the type of substrate desired."

In contrast to the suggestions of the Examiner, there is nothing in the four corners of Gehweiler et al. to suggest that these die-cut members would be used as (1) guidance elements in a

pathway; (2) located in spaced apart pairs to form rows of guidance elements; and (3) to cooperate with an end-of-a-line element located perpendicularly to the rows of guidance elements.

(7) Chien Does Not Teach the Missing Elements:

Chen describes "an illuminated safety guide. . .made up of a fixture including a housing and a super thin lighting element in the form of an electro-luminescent strip, a photo-luminescent panel, or a combination of an electro-luminescent strip and PL panel."

It is certainly true that such a strip could be placed at the end of a line, or for that matter, anywhere else. Chien certainly does not suggest such. However, the purpose of such an "end of a line" element as set forth in the instant Application, i.e., to hold and further organize persons to convey them to a yet-further destination, is not described by Chien, taught by Chien, nor is it obvious from Chien.

Therefore, the Examiner's conclusion that, "It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hensler et al. by including one or more of the ground signs of Chien on the substrate thereof, for the purpose of indicating the position of an exit relative to the substrate," is just not accurate. However, for the purposes of this Application, this conclusion

is irrelevant, in that the unique use of the end of a line element, for example, as contemplated by the instant application, is not contained in any of the prior art, nor is it anticipated by the Examiner's analysis.

Without citing any prior art, one of the Examiners has stated: "It is very well known that substrates can be laid according to the needs or desires of the supplier or user in order (1) to draw attention to a change, or (2) to span a distance wherein the substrates are not of the correct length to fully span the distance where the ends of said substrates abut."

The Examiner then relies upon Chien to suggest an end of line element based upon the preferences or needs of a user. This most general statement does not describe the very specific use of the nature of the end of a line element set forth in the instant application, which is to hold and further organize persons to convey them to a yet-further destination. This use is entirely distinct from, and not suggested by, Chien.

(8) Sanders Only Deals with Footprints:

The Examiner further relies upon the Sanders patent for the alleged teaching that footprints on a carpet can be arranged in a desired orientation to lead an individual to a destination

(commode). With regard to the Sanders patent, there is also no teaching of small, discrete elements forming a defined pathway.

One could argue that the footprints in Sanders are tantamount to a pathway. However, even if such were the case, which is doubtful, there would be no boundaries for that pathway. In the present invention, those boundaries are an important, if not critical element, in that they keep the individuals in an orderly and organized path to lead to an end-of-a-line position and then to a destination beyond that position. In any event, those boundaries are clearly missing in Sanders.

There is also no end-of-the-line element. One could argue that the end of the foot prints represents the end of the line. However, if that be the case, there would be no destination beyond that end-of-the-line element. All that could be said is that the commode is the destination. In short, there is no end-of-the-line element. There is merely a commode or other destination. Finally, there are no path forming elements which define those all-important boundaries of the pathway of movement. The claims specifically call for a plurality of path forming elements extending from said at least one element defining a pair of spaced apart boundaries of a pathway of movement. On this, Sanders is completely silent.

(9) Phillips is Remote:

The Examiner cites Phillips for the foot plates of Figures 1 and 2. They are not arranged so that they form a pair of spaced

apart pathway forming lines. They are merely designed for tactile engagement by a visually impaired individual. They do not teach of forming a pathway, but are a tactile line of elements for engagement by such visually handicapped individual to feel. Moreover, they are designed for permanent (non-moveable and non-relocatable) attachment to the ground-surface.

(10) Claims Dealing with Advertising and Promotional Messages.

As indicated previously, the Examiner essentially dismisses Claims 6-12 and 13-23 on the basis of prior art dealing with a floor mat, e.g., Hensler et al. and Castle et al., with the latter being supplied to show the interchangeable message presentation on the floor mat. Essentially, Gehweiler et al. and Chien were thrown in to allegedly meet the missing limitations. However, it is apparent that there are no path forming elements on opposite sides of the pathway to define the boundaries of movement of the pedestrian individuals in the line. There is also the missing critical end-of-the-line element. In substance, the Examiner dismisses limitations in Claims 6-24 on the basis of a floor mat, such as Hensler et al., with another reference, such as Castle et al., to show a message. In so doing, the Examiner does not have any prior art to show the following:

(1) lines of path forming elements which define the boundaries of movement of the group of individuals;

(2) an end-of-a-line position for the individuals to wait to move to a destination; and

(3) messages in a specific defined pathway which are constantly reinforced, since the individuals walking on that pathway are constantly reminded of the messages when they happen to look downwardly at the mat.

There have probably been floor mats going back to the 19th Century containing words, such as "Welcome", "Wipe Your Feet", etc. The rejection again illustrates the fact that the Examiner seems to have missed the whole point of this invention, or otherwise, has summarily dismissed the invention on the grounds that since there were floor mats in the past, they obviously anticipate the invention, or, at minimum, render the same obvious. In substance, the Examiner has completely overlooked the fact that the prior art floor mats cited by the Examiner were for an entirely different purpose and achieved a very different result. Heretofore, there has not been a series of floor mats used to guide a group of individuals in a defined path and to an end-of-the-line position and then to a destination in advance of that position.

The difference between a floor mat having a message, such as "Welcome", or even a pictorial design, is dramatic compared to a series of floor mats used for guiding a group of individuals in a pathway. The results achieved are dramatically different. It is

one thing to approach a doorway and wait for the occupant to open the doorway, or otherwise, to approach a cashier or a sales person at a stand or a counter and step on a mat. Rarely does the party standing bother to look at the mat. However, in the case of a group of individuals being guided on mats to an end-of-the-line position, the result is totally different. In this case, the group of individuals can, of course, examine the surrounding environment, or otherwise, merely stand and look at the hair on the back of the head of the person in front. When the mat contains messages along the length of the mat, it is probably more interesting to at least examine those messages. Moreover, even when the same message is used throughout, it becomes concentrated, and the individual standing in the pathway is constantly reminded of the message on that mat. Thus, the net effect is entirely different and applicants should be entitled to protection on this concept.

Next turning to the rejection of the claims under 35 USC 102(b) as being anticipated by Castle et al., it is urged, and the law overwhelmingly supports the position that for an anticipation to result, there must be a meeting of all of the limitations of the claims.

The Examiner starts off with a ground cover substrate 20 having a pocket 24 and an advertising substrate 34. The latter of which presents a message on the upper surface of the substrate 20. And, while all of that may be true, the applicants inquire as to

where is the missing element which represents a physical standing or waiting position, such as (1) an end-of-a-line element, to lead to a destination beyond that where the individual may be standing, and (2) a plurality of path forming elements defining a pair of pathway boundaries for leading a group of pedestrian individuals. The fact remains that these elements do not even remotely appear in Castle et al.

The rejection under 35 USC 103 in which Castle et al. is used as a secondary reference will be addressed hereinafter.

The major rejection which has been advanced by the Examiner is that dealing with Claims 1-5, and 13-34, in which the claims were rejected under 35 USC 103 as being unpatentable over Hensler et al., in view of Chien, Gehweiler et al. and Sanders, taken also in combination with Castle et al. The use of Castle et al. has previously been described. However, in order to formulate this rejection, the Examiner relies upon a ground cover substrate, such as that shown by Hensler et al.

Even if the Examiner employs the mat in the Hensler et al. patent, there are no small, discrete elements which define the rows of path forming elements. With regard to the end-of-the-line element, the Examiner relies upon at least the Chien U.S. patent No. 5,775, 016, contending, in effect, that the last "Exit" sign on th door is equivalent to the end-of-the-line element defined in the

claims. In reality, there is no end-of-the-line element in any of the references cited by the Examiner.

(11) No Suggestion as to Combination:

As indicated previously, it is a long-standing principle in the law, that the Examiner cannot find bits and pieces and merely suggest they can be combined. See, for example, Colt Industries v. Index Werke 205 USPO 990 (1979).

The courts have recognized that in order to defeat a patent, a prior publication must describe the invention in such full, clear and exact terms as to enable any person skilled in the art to which it relates to practice the invention without the exercise of inventive skill of his own and without assistance from the patent claimed to have been anticipated. Moreover, when attempting to combine references, the same courts have recognized that with regard to combining references in an attempt to support an attack on a patent under 35 USC, § 103, there must be positive evidence - a teaching or at least a suggestion in one or more of the references that such combining would be desirable thing to do. See, for example, Racal-Vadic, Inc. v. Universal Data Systems, D.C.N.AL (1980) 207 USPQ 902.

The courts have also recognized that "a finding which . . . picks out one element in one prior patent and another element in another prior patent is manifestly insufficient to deny

patentability." See, for example, Lawrence v. The Gillette Company, et al., 203 USPQ 732 (USCA 9, 1979).

In ITT v. Rey Chem Corp., 538 F.2d, 453, 191 USPQ 1 (1st Circ., 1976), the Court held that:

> "It is not enough to invalidate a patent to show that its separate elements exist in the prior art, the key question is whether it would have been obvious to one of ordinary skill in the art to bring them together."

The applicants again raise the question if it would have been so obvious, then why has not this system been proposed, or at least found in one reference? This fact alone demonstrates that it is a patentable invention.

Yet, there is a serious issue as to whether or not there is even any suggestion as to combination. Hensler does not disclose small, discrete elements, and even if Gehweiler did, one must wonder how those small, discrete elements in Gehweiler would find their way into to the Hensler et al. mat. What is the suggestion to place those dots in the already bland Hensler floor mat. Even more so, since there is no end-of-the-line element anywhere in any of the references, one must now wonder how the Examiner meets the limitations of these claims. In reality, the Examiner cannot meet these limitations.

There is also nothing in the art of record which discloses the fact that the width of the pathway should be sufficiently narrow to preclude individuals from walking in front of one another. The

Examiner dismisses these limitations on the grounds that the width is only considered to be an optimum value for the width of a pathway. This obvious answer effectively demonstrates that the Examiner has cited no reference showing this limitation.

The rejection, based on the grounds of Hensler et al. patent and the Chien patent, in combination, and even with the Gehweiler patent, do not and cannot respond to the limitations in the claims. Specifically, the claims call for the spaced apart small, discrete elements which identify the lines of path forming elements. Even if the Hensler et al. patent disclosed the limitations relating to the discrete spaced apart small path forming elements, and that is a real stretch in Hensler et al., there is nothing which even remotely suggests the end-of-the-line element. It would be preposterous to contend the door or doorway is the end-of-the-line element. In an emergency escape, people are not going to wait. They are going to exit rapidly. Finally, there is also nothing which suggests the use of the direction indicating elements.

(12) <u>There Has Been an Unjustified Wholesale Dismissal of Important Claim Limitations</u>:

The heart of the matter, in fact, is the Examiner's characterization of the "intended uses" of the claimed system. The Examiner has stated that the intended uses have not been given any patentable weight since it has been held that a recitation with

respect to the manner in which a claimed apparatus is intended to be employed is not a structural limitation. The Examiner relies upon a single word in support of its analysis, to wit: the use of the "whereby" clause.

The Examiner takes the position that the use of "whereby" makes what follows a functional limitation, and thus, does not have sufficient patentable weight, relying upon case law to the effect that a functional "whereby" statement does not define any structure and accordingly can not serve to distinguish.

The Examiner's error here is to characterize the instant application as being identical to the prior art, but merely utilized in a different manner. This is not the case. The Examiner has not pointed to a single piece of prior art that contains a "holding area," designed to retain persons, and direct them to a further point, in a controlled manner. This is not a difference in intended use. This is a structural limitation, and does not fall within the Masham analysis.

Although the claims in issue do not contain pure "means clauses", they are effectively written as a type of means clause by merely defining the element and the function of that element. This is not improper. The courts had held, and particularly in Stearns v. Trinker & Rasor, 252 F.2d 589 (9th Circ. 1957):

> "While an element in a claim for a combination may be expressed as a means or step for performing a function without recital of structure, material or acts in support thereof; the structure, material, or acts

> must be described in the specification, and if so described, the claim will be construed to cover that which is described and the equivalents thereof. But the structure need not as well be recited in the claim." pp.597-598.

It has also been held in Saf-Gard Products, Inc. v. Service Parts, Inc., 532 F.2d, at 1272,

> "Also, the defendants' argument that mechanical engineering students would be able to analyze the Brunton shoring device is irrelevant."

This court, in Saf-Gard Products, Inc. v. Service Parts, Inc., supra, 532 F.2d at 1272, stated:

> "(t)his court has made it clear, moreover, that an invention will not be denied a patent because it embodies a solution which seems simple and obvious with the benefit of hindsight."

Thus, even a minor change may produce a patentable invention, where the result could not have been predicted beforehand by one skilled in the art.

It was also held that a finding which picks out one element in a prior art patent and another element in another prior art patent as a demonstration of anticipation is manifestly insufficient to overcome the presumption [of validity] arising from the issuance of a patent. Santa Fe-Pomeroy, Inc. v. P&Z Co., 569 F.2d 1094.

It becomes apparent that one of the crucial points in this rejection is that the Examiner contends the claims are replete with functional language, as opposed to structural language. The irony

is that there are very few components necessary to use in the present invention. However, those components do co-act in a unique way to control individuals in an orderly, precise manner. If this is functional language, the references of record sure do not show this feature. In short, the Examiner seems all too ready to dismiss the claims on the grounds that the limitations are functional. The applicant has claimed all of the salient elements of the invention, and notwithstanding, the Examiner has not cited one reference or references in combination which even remotely suggest this system.

Limitations to the effect of rows of discrete elements forming a pathway are not functional, an end-of-the-line element is not functional, a destination in advance of the end-of-the-line element is not functional. A pathway of a size limited to preclude people from stepping in front of others is not functional, etc. The Examiner labels everything functional and then dismisses practically all of the limitations on the grounds that they are functional.

Notwithstanding, there is a serious issue as to whether or not there is even any suggestion as to a combination. Hensler does not disclose small, discrete elements, and even if Gehweiler did, one must wonder how those small, discrete elements in Gehweiler would find their way into the Hensler et al. mat. What is the suggestion to place those dots in the already bland Hensler floor mat, other than to improve the aesthetics. Even more so, since there is no

end-of-the-line element anywhere in any of the references, one must now wonder how the Examiner meets the limitations of these claims. In reality, the Examiner cannot meet these limitations.

It is interesting to note, that in large measure, the Examiner has taken bits and pieces from various divergent systems and made suggestions that, in some way or another, they can be combined. The Examiner does not have the luxury to merely pick and choose elements existing in the prior art without some basis for combination. As another example, Hensler et al. discloses a floor map and Chien discloses an exit system for evacuating people from a hotel. The Examiner conveniently argues that there is a suggestion to combine. Nevertheless, exit systems of the type taught in, for example, Figure 6 of Chien are hardly combinable with floor mats.

It is one thing to take a floor mat or an escape route in a hotel and combine them in some vague fashion to suggest they meet the limitations of the claims. Even if they did, which is clearly not the case, it is patently obvious that this combination has not even remotely addressed the issue of guiding a large number of people in a defined pathway to an end-of-the-line position and a destination in advance of that position.

The Examiner has also missed the important limitations. There is also nothing in the art of record which discloses the fact that the width of the pathway should be sufficiently narrow to preclude individuals from walking in front of one another. The Examiner

dismisses these limitations on the grounds that the width is only considered to be an optimum value for the width of a pathway. This obvious answer effectively demonstrates that the Examiner has cited no reference showing, for example, at least this limitation.

The most salient point about this Appeal is the fact that the Examiner has not found one reference, or any group of references in combination, which even remotely suggest the concept of guiding a group of pedestrian individuals in a pathway in an orderly and organized fashion and with a pathway designed to conform to an existing environment and to guide the pedestrian individuals in that pathway to an end-of-the-line position and then a destination beyond that end-of-the-line position. As indicated previously, over the years, there have been a very large number of references cited and none deal with this basic concept. The Examiner would dismiss the basic concept of the present invention by finding bits and pieces of other references, as for example, floor mats, fire escape exit signs, airplane landing systems, and even automobile roadways, to suggest that they would define a way of guiding a group of pedestrian individuals. However, none suggest the formation of a pathway leading individuals in a path of limited width to an end-of-the-line position, and then, in an orderly manner, to a destination in advance of that end-of-the-line position.

Starting with Graham v. John Deere Co., 148 USPQ 466-467, the Supreme Court requires this Board to examine the scope and content

of the prior art and determine the significance and important difference between the prior art and the claims at issue. This must be resolved against the level of ordinary skill in the art and against the background of the invention. This is a new invention. It has solved a problem, which has not heretofore been solved, and moreover, it has solved that problem in a very simple and straightforward way. (See also Sakraida v. Ag. Pro., Inc., 425 US 273.).

It is also the law that an inventor may obtain a valid patent on the basis of his seeing results unappreciated in the prior art. Tilghman v. Proctor, 102 US 707, 26 L.Ed. 279 (1881). It is apparent that no one else has provided a system for guiding a group of individuals in a pathway to an end-of-a-line position and then a destination in advance of that end-of-the-line position. If such had existed, the Examiner would have at least cited one reference to this effect. None exists.

It was also noted, for example, in Molinaro v. Burnbaum, et al. 201 USPQ 83 (1977) that an ornamental hangar could be used as a Christmas tree ornament. It was also interesting to note that in that case the Court held that the invention itself cannot be used to provide hindsight in determining obviousness. In essence, that is what is happening in the present application.

The Examiner contends that the invention is now obvious in view of bits and pieces of other prior art references, without, in any fashion, showing how these references would provide a system of

mats arranged in such manner as to guide a group of individuals in a desired pathway to an end-of-a-line position and then to a destination in advance of that end-of-the-line position. The Examiner merely takes the position that in some, unstated way, all of these bits and pieces of Hensler et al., Gehweiler et al., Chien, Phillips, and Schnee would all be combined to reach this unique result. The courts have long held that:

In the case of Colt Industries Operating Corporation v. Index-Werke KG, USDC 1979 (205 USPQ 990) that:

> "In deciding the question of obviousness under 35 USC § 103, it is not realistic to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such references fairly suggests to one of ordinary skill in the art. Application of Lunsford, 357 F.2d 380, 384, 148 USPQ 716, 719-720 (CCPA 1966); Title Council of America, Inc. v. Ceramic Tilers Supply, Inc., 257 F.Supp. 339, 341-42, 149 USPQ 398, 400-402 (S.D. Cal. 1965), aff'd 439 F.2d 1124, 169 USPQ 268 (9th Cir. 1971). Mere existence in the prior art of individual elements of a patented invention does not without more, invalidate the patent under 35 USC §103. There must be positive evidence that the bringing together of such elements would have been obvious to a person of ordinary skill in the art. As the Second Circuit has observed: "It would reduce patent protection almost to a nullity if an infringer could, in the light of a subsequent disclosure, comb the prior art and piece together portions of earlier patents, while dropping other parts, and thereby invalidate a new combination of old elements. Bragg-Kliesrath Corp. v. Farrell, 36 F.2d 845, 850 (d Cir. 1929)."

In short, the Examiner has taken Hensler et al. and uses the mat of this referenced to suggest that because of florescent stripes, it will be obvious to combine the dots of Gehweiler et al. to form guidance paths. Gehweiler et al. is concerned with the making of these dots and suggests nothing about application to a floor mat, much less a floor map having stripes along the sides. Gehweiler et al. is not even remotely concerned with forming guidance paths. Consequently, the Examiner's rejection must fail at this starting point.

It is noteworthy that the solution to a problem is simple, or appears so when viewed in retrospect. It does not mean that the solution was obvious at the time it was conceived. See for example, Ellipse Corp. v. Ford Motor Co., 452 F2d 163, 171 USPQ 31. To the contrary, it is evidence of invention. In any event, continuing with the rejection of the Examiner, the Examiner then applies Chien to show apparently the equivalent of an end-of-the-line element. In reality, there is no end-of-the-line element, and in fact, the Examiner has never once stated what in Chien constitutes the end-of-the-line element. Chien was merely applied in some vague fashion, presumably to suggest that maybe, somehow and with a little magic thrown in, there is an end-of-the-line element. The only thing that the applicants can determine from Chien is that there is a fire escape exit with a door. That is hardly the equivalent of an end-of-a-line element where people wait. People are going to use their utmost efforts to evacuate

that building quickly in the event of a fire. They are not going to wait for anything.

It has also been held that it is not enough to invalidate a patent to show that separate elements exist in the prior art. The courts have recognized that "the key question is whether it would have been obvious to one of ordinary skill in the art to bring them together." See, for example, Wilden Pomp & Engineering Co. v. Pressed & Welded Products Co., USDC (N.CA.) 199 USPQ. 199 USPQ 390. See also, for example, United States v. Adams, 383 US 39, 148 USPQ 79 (1966), ITT v. Raychem Corp., 538 F.2d 453, 191 USPQ 1 (1 CIRC, 1976).

It becomes apparent that after seeing this invention, because the invention is simple, the Examiner concluded that it was obvious. As stated in Rohm and Haas Company v. Owens-Corning Fiberglass Corp., 196 USPQ 726, D.C.N.AL (1977):

> "The courts have long recognized that many of the most important inventions appear simple and self-evident after they have been explained. But hindsight is recognized to be misleading and should not be relied upon to invalidate a patent, Diamond Rubber Co. v. Consolidated Tire, 220 U.S. 428, 435 (1911); Arnold Pipe Rentals Co. v. Engineering Enterprises, Inc., 350 F.2d 885, 890, 146, USPQ 415-416, 419-420 (5th Cir. 1965); Duo-Flex Corp. v. Building Service Co., supra, at pages 96-97, 138 USPQ 543.545."

See also, Molinaro v. Burnbaum, et al., supra, "the invention itself must not be used to provide hindsight in determine

obviousness." Reiner v. I Leon Co., Inc., 285 F.2d 501, 503-4, (128 USPQ 25).

(13) Commercial Success:

The applicants in the parent patent application has submitted a Declaration of Use showing the success of the system. The reiterate systems of this type have been used in airports, as for example, Burbank Airport, in the Los Angeles area of California. They have been used by numerous pharmacies, particularly in view of the recent HIPPO laws in which privacy of patients must be recognized. Now, the pharmacy is able to keep patents in line from receiving information about the prescriptions given to their predecessor in line. The system of the invention completely satisfies that requirement. As a simple example, Sav-On Pharmacies, a national chain (by different names in different parts of the country) have been highly effective. This type of system has also found use in numerous other establishments. The declaration of the inventor has supported this position.
Even if there is any doubt as to the patentability of this invention, and there should not be, it would suggest that this commercial success with respect to the claims in issue should deem an allowance of the application. Gusmer v. Parker (DC.DC.) 206 USPQ 971.

It becomes apparent that this invention is not some problematic or fanciful anticipation. It is, indeed, a living reality. When the system is being used in public institutions, such

as airports, pharmacies, restaurants, and the like, it becomes more than merely a so-called "paper patent".

It must be recognized that this invention is not some problematic or fanciful anticipation. It is, indeed, a living reality. This system has been and is being used in numerous public institutions, as for example, airports, as for example, Burbank Airport, in California, various restaurants, such as, for example, MacDonald's restaurants, pharmacies, such as, for example, Sav-On Pharmacies, etc. Even if there is any doubt as to the patentability of this invention, and there should not be, it would seem that this success with respect to Claims 1-5 and 29-34.

Finally, it is worth mention that in three different applications, albeit with similar subject matter, essentially the same prior art was applied and moreover was applied in essentially the same way. One would expect some variance in the decisions if truly independent. It becomes apparent that there was at least one guiding force in the negative results in all three applications. Therefore, it would be unfair to conclude that three independent Examiners operating independently from one another came to the same conclusion. Rather, it is apparent that some independent force guided the decisions in all three applications.

XIII.

CONCLUSION

The Examiner has erred in numerous ways and with every basis of rejection in finally rejecting the claims in the instant application. Specifically, and at the outset, the Examiner the erred in dismissing limitations in the claims as being allegedly functional, and, essentially, overlooking the unique aspect of the invention. Secondly, the Examiner has attempted to pigeonhole the system of the invention into the form of a floor mat, and with that limited scope, adopted the limited thinking that a floor mat is responsive to a plurality of mats designed to cause individuals to walk in a certain path to an end-of-the-line position and a destination beyond.

Thirdly, the Examiner has erred completely in applying the prior art and stretching the prior art well beyond its intended meanings. Finally, the Examiner has dismissed critical limitations in the claims by contending they are obvious with no basis of supporting that contention. In substance, when the Board reviews the distorted treatment in rejecting the claims, it is believed that an allowance will be compelled.

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Respectfully submitted,

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APPENDIX A

A copy of the claims pursuant to 37 CFR 1.192(c)(9) is included in the Appendix.

Appended hereto are copies of Claims 1-18 and 20-34 on appeal.

A personnel guidance and location control system for guiding a group of pedestrian individuals into a line thereof a relatively narrow pedestrian pathway and controlling movement thereof and to an activity beyond the end of that pathway, said guidance and location control system comprising:

a) a at least one ground cover substrate for disposition on a ground surface;

b) at least one elongate element associated with said cover substrate and in for securement at a fixed location thereon for defining an end of a line of the group of pedestrian individuals and representing a waiting location for the individual at the front end of the group of pedestrian individuals in the line and where each of the individuals may wait their turn at the elongate element until they are ready to be received at the destination, so that the individuals may proceed to a the destination in advance of the front end of the line in an orderly and successive manner;

c) a pair of spaced apart rows of plurality of small discrete path forming elements associated with said ground cover substrate in fixed locations thereon relative to the elongate element and extending from opposite ends of the elongate element creating a

pair of spaced apart pathway boundaries to define a the pedestrian pathway of movement for the group of individuals; and

d) said pathway being of a width sufficient to receive a line of individuals and arranged to guide the group of individuals to the end of the line position and being arranged to conform to an existing environment for optimum placement of a group of pedestrian individuals, the pathway boundaries defining the boundaries of movement to the side for each of the individuals in the group allowing each of the individuals to await their turn in the pathway to reach the end of the line position and then leave that end of the line position for the destination in advance of but in proximity to the end of the line position;

e) a plurality of movement indicator elements on said pathway between the spaced apart pathway boundaries and being presented in such manner to suggest that the individuals in the line walk in the pedestrian pathway and to depict the direction of movement in that pathway so that the individuals move to the end of the line position, said movement indicator elements cooperating with the path forming elements to present a desired pathway and a direction of

movement to an end of a line position and to a destination in advance of that end of the line position; and

f) means associated with said elongate element and said small discrete elements for securing locating same with the ground cover substrate, whereby the ground cover substrate and elongate element and small discrete elements can be secured to located on the ground surface and arranged in a desired orientation to conform to an existing environment so as to optimize use of pedestrian walking space in that existing environment, the small discrete elements thereby presenting a desired pattern to enable the orderly and controlled movement of a group of pedestrian individuals into one or more lines of same to a destination.

The personnel guidance and location control system of Claim 1 further characterized in that said small discrete path forming elements extend from regions in proximity to opposite ends of the elongate element, and are arranged at a width less than the width of a conventional passenger automobile.

3

The personnel guidance and location control system of Claim 1 further characterized in that indicia is provided on the upper surface of the elongate element and may cooperate with the movement indicator elements to show a direction of movement.

4

The personnel guidance and location control system of Claim 1 further characterized in that fastening means is associated with the underside of the elongate element and with the underside of the small discrete elements, and that the fastening means comprises a downwardly projecting threaded member.

5

The personnel guidance and location control system of Claim 1 further characterized in that fastening means is associated with the underside of the elongate element and the small discrete elements, and that the fastening means is an adhesive strip.

A system for controlling movement of pedestrian personnel in a facility servicing such personnel and presenting informational messages in connection therewith, said system comprising:

a) a ground cover substrate for disposition on a ground surface;

b) at least one element associated with said ground cover substrate which represents a physical standing or waiting position for a pedestrian individual or a guidance path or an end of line position immediately in advance of that physical standing or waiting position;

c) a plurality of path forming elements extending from said at least one element defining a pair of spaced apart boundaries of a pathway of movement and representing a direction of movement for a group of the pedestrian individuals and in which an activity may take place and which ground cover substrate is positionable in a location in which movement of the pedestrian individuals is to be controlled in an orderly and organized manner;

d) a first advertising or promotional informational message located on presented at an upper relatively flat surface of said substrate in such manner that it is relatively interchangeable at will so that a

second advertising or promotional informational substrate message may be readily and quickly interchanged and presented at said surface on said substrate in substitution for said first informational message.; and

e) each of said informational messages having content which is related to the facility at which the pedestrian individuals are being serviced or to products or services which are offered by that facility or a direction of movement with respect to that facility, such that the ground cover substrate guides or locates the individuals in an organized and orderly fashion and simultaneously presents at least one message relating to the purpose that such pedestrians are visiting such facility.

7

The system of Claim 6 further characterized in that said first information message informational message is located under a relatively transparent cover member secured to said substrate with a pocket allowing access to said first informational message for removing same and inserting same.

8

The system of Claim 6 further characterized in that at least one of said first informational message or second informational message has a raised portion which extends above the upper relatively flat surface of said substrate.

9

The system of Claim 6 further characterized in that at least one of said first informational message or second informational message cooperates with the path forming elements and shows or describes direction of movement of one or more pedestrian individuals.

10

The system of Claim 6 further characterized in that at least one of said first informational message or second informational message identifies a particular standing location for an individual in which an activity is to be conducted.

11

The system of Claim 6 further characterized in that a foam portion is located with respect to said substrate in order to provide a raised effect to at least one of the first informational message or second informational message.

The system of Claim 6 further characterized in that at least one of said first informational message or second informational message is mounted within a recessed portion in said substrate and is removable therefrom.

A method for a personnel location and movement control system for guiding a group of pedestrian individuals and also presenting an informational message to said pedestrian individuals, said method comprising:

a) a ground cover substrate for disposition on a ground surface;

b) an end of a line defining element on said substrate representing a location for each successive pedestrian individual who reaches the front of the line of individuals to wait until he can be received at a destination in advance of said end of a line defining element;

c) a group plurality of individual rows of spaced apart small discrete path forming elements associated with said ground cover substrate and extending from ends of the end of the line element in parallel pairs of such discrete elements to define a relatively narrow pathway for guiding the movement of the pedestrian individuals;

d) a plurality of movement indicator elements on said ground cover substrate between the spaced apart pathway boundaries and being presented in such manner to suggest that the individuals in the line walk in the pathway and to depict the direction of

movement in that pathway so that the individuals move to the end of the line position, said movement indicator elements cooperating with the path forming elements to present a desired pathway and a direction of movement to the end of a line position and to a destination in advance of that end of the line position;

e) means for presenting a an informational message on at an upper surface of said substrate in such manner that the message is removable therefrom and replaceable by another informational message.; and

f) each of said informational messages having content which is related to the facility at which the pedestrian individuals are being serviced or to products or services which are offered by that facility or a direction of movement with respect to that facility, such that the ground cover substrate guides or locates the individuals in an organized and orderly fashion and simultaneously presents at least one message relating to the purpose that such pedestrians are visiting such facility.

The personnel location and movement control system of Claim 13 further characterized in that there is an end of the line elongate

element defining an end of the pathway and two generally parallel lines a plurality of small discrete elements extending from the elongate element defining a the pathway of movement for the pedestrian individuals and an elongate element defining an end of the line position for a person at the head of the line of pedestrian individuals.

15

The personnel location and movement control system of Claim 13 further characterized in that said first information informational message is located under a relatively transparent cover member secured to said substrate with a pocket allowing access to said first informational message for removing same and inserting same.

16

The personnel location and movement control system of Claim 13 further characterized in that said informational message has a raised portion which extends above the surface of said substrate.

17

The personnel location and movement control system of Claim 13 further characterized in that said informational message cooperates with the movement indicator elements and shows direction of movement of one or more pedestrian individuals.

18

The personnel location and movement control system of Claim 13 further characterized in that said informational message identifies a particular standing location for an individual in which an activity is to be conducted.

19 (Cancelled)

20

The personnel guidance and location control system of Claim 1 further characterized in that said discrete members and elongate member and the pathway defined thereby being sufficiently low to said ground surface that they do not constitute barriers to individuals with ambulatory disabilities or in wheelchairs, such that wheelchairs can easily ride over the discrete members and the elongate member and individuals with ambulatory disabilities can readily walk over such discrete members and elongate member.

21

The personnel guidance and location control system of Claim 20 further characterized in that said pathway is also arranged to conform to an existing environment for optimum placement of the group of pedestrian individuals to maximize optimum use of space and to avoid pedestrian traffic congestion and which substrate and

the elements can be relocated to another position pursuant to need therefor.

22

The personnel guidance and location control system of Claim 1 further characterized in that said ground cover substrates have end margins on said substrates so that one substrate is capable of being arranged in abutting relationship with another substrate to form a desired pattern to thereby generate a selected pathway for the group of individuals.

23

The personnel guidance and location control system of Claim 1 further characterized in that said end of the line element is located on a substrate which is spaced slightly apart from an end of the other substrates to represent an end of the line position, but which is cooperatively located with respect to such other substrates to identify an end of the pathway

24

The system for controlling movement of pedestrian individuals of Claim 6 further characterized in that said plurality of elements comprises at least one elongate element associated with said cover substrate and being located in an orientation generally perpendicular to a direction of movement of the pedestrians and

located to define and end of a line of the group of pedestrian individuals and representing a waiting location for the individual at the front end of a group of pedestrian individuals in the line, and where each of the individuals may wait their turn at the elongate member until they are ready to be received at a destination, so that the individuals may proceed to the destination in advance of the front end of the line in an orderly and successive manner.

25

The system for controlling movement of pedestrian individuals of Claim 24 further characterized in that said plurality of elements comprises a pair of rows of small discrete elements associated with said ground cover substrate in fixed locations relative to the elongate element and extending from opposite ends of the elongate element creating a pair of spaced apart pathway boundaries to define a pedestrian pathway of movement for the group of individuals.

26

The system for controlling movement of pedestrian individuals of Claim 25 further characterized in that said pathway is of a width sufficient to receive a group of individuals and arranged to guide the group of individuals to the end of the line position and being arranged to conform to an existing environment for optimum

placement of a group of pedestrian individuals, the pathway boundaries defining the boundaries of movement to the side for each of the individuals in the group allowing each of the individuals to await their turn in the pathway to reach the end of the line position and then leave that end of the line position for a destination in advance of but in proximity to the end of the line position.

27

The personnel guidance and location control system of Claim 1 further characterized in that said movement indicator elements are footprints to suggest a walking movement in the pathway.

28

The personnel guidance and location control system of Claim 27 further characterized in that said footprints are oriented to show a walking movement and, moreover, suggest a direction of movement toward the end of the line position.

A method of guiding a group of pedestrian individuals into a relatively narrow pedestrian pathway while controlling movement thereof toward an activity beyond the end of that pathway, said method comprising:

a) locating a ground cover substrate with respect to a ground surface and containing at least one elongate end of the line element and a pair of spaced apart rows of small discrete path forming elements associated with that end of the line element and extending from opposite ends of the elongate end of the line element creating a pair of spaced apart pathway boundaries;

b) causing movement of a group of individual which would otherwise congregate in an unorganized and uncontrolled fashion, around or with respect to that activity, into a line of individuals on that ground cover substrate;

c) causing the group of individuals to walk in the defined pathway formed by the pair of spaced apart rows of the path forming elements to the end of the line position and representing a location for the individual at the front end of the line of pedestrian individuals;

d) allowing each of the individual who reach the front end of the line to wait their turn at the elongate element until they are ready to be received at the destination so that the individuals may proceed to the destination in advance of the front end of the line in an orderly and successive manner;

e) also causing the pedestrian individuals in the pathway to follow movement indicator elements on the pathways between the spaced apart boundaries so that there is a suggestion to the individuals in the line to walk in that pathway and also to suggest the direction of walking movement in that pathway so that each of the individuals move to the end of the line position;

f) the pathway being sufficiently wide to receive the individuals in the group and arranged to guide the individuals to the end of the line position and also enabling the group of individuals to be moved in a manner to conform to an existing environment for optimum placement of the pedestrian individuals; and

g) means associated with the substrate to locate same on the ground and arranging the orientation of the substrate to conform to an existing environment so

as to optimize use of pedestrian walking space in that environment.

30

The method of Claim 29 further characterized in that the size of the pathway is established to be less than the width of a conventional passenger automobile.

31

The method of Claim 29 further characterized in that indicia is provided on the substrate for viewing by the pedestrian individuals and which indicia may cooperate with movement indicator elements to also provide a suggestion to walk in the pathway and to move to the end of the line position.

32

The method of Claim 29 further characterized in that the method comprises locating an informational or advertising message on said substrate so that the pedestrian individuals may readily and easily see the informational message as they walk in the pedestrian pathway.

33

The method of Claim 32 further characterized in that said method comprises periodically changing that informational message.

The method of Claim 29 further characterized in that the method comprises locating said substrate very close to a ground surface so that the substrate does not constitute a barrier to individuals with ambulatory disabilities or in wheelchairs allowing the wheelchairs to ride over the path forming elements and the end of the line element.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450 on 10-17, 2005.

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